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PP RUEHCHI RUEHDT RUEHHM RUEHJO RUEHPOD  
DE RUEHKO #3955/01 2390503  
ZNR UUUUU ZZH  
P 270503Z AUG 07  
FM AMEMBASSY TOKYO  
TO RUEHC/SECSTATE WASHDC PRIORITY 6931  
INFO RUEHXS/ASEAN REGIONAL FORUM COLLECTIVE PRIORITY  
RUEHXI/LABOR COLLECTIVE PRIORITY

UNCLAS SECTION 01 OF 02 TOKYO 003955

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FOR G/TIP, EAP/J, EAP/RSP, L/LEI

E.O. 12958: N/A

TAGS: [PREL](#) [PHUM](#) [KCRM](#) [KWMN](#) [JA](#)

SUBJECT: EXPLAINING U.S. CONCERNS ABOUT TIP SHELTERS IN JAPAN

REF: A. HANSEN + G/TIP + EAP/J + EAP/RSP + L/LEI EMAIL

[1](#)B. TOKYO 3186

[1](#)1. Embassy Tokyo Political Officer met August 23 with MOFA International Organized Crime Division TIP Officer Hiroko Sasahara to discuss the Japanese government's reliance on prefecture-level public shelters to protect victims of human trafficking. Embassy Political Officer delivered Ref A's "Clarification of Action 1" (full text in paragraph 2) to Sasahara to clarify the first action item of the "Roadmap to Tier 1," presented to the Japanese government July 2 (Ref B). Sasahara said she will forward the document to the other members of Japan's anti-TIP inter-ministerial committee.

[1](#)2. Begin paper text:

Clarification of Action 1, Tier 1 Roadmap

Summary:

Reliance on the prefecture-level domestic violence shelters, "Women's Consulting Centers," (WCCs) does not meet Minimum Standard 4, Criteria 2. At present, counseling for victims in their native language is not provided at WCCs, there are no policies or programs to encourage victim testimony, WCC personnel are not receiving sufficient training in the specific treatment needs of trafficking victims, and there is inadequate assessment of the consequences of repatriation.

Fully utilizing pre-existing specialized anti-trafficking NGO shelters, funding their expansion if necessary, or, alternatively creating new shelters that are dedicated to providing specialized services to victims of human trafficking, including counseling in multiple languages, would meet the minimum standards of this part of the Trafficking Victims Protection Act (TVPA).

Minimum Standard 4, Criteria 2: Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked.

[1](#)A. Victims must have access to native-language counseling.

A safe and rehabilitative environment is the foundation of protection and is a precondition for encouraging victims' participation in investigations and prosecutions. Native-language counseling for victims is critical to creating a safe environment and essential to the rehabilitation of victims, some of whom have experienced

violent trauma. Although funding is provided for WCCs to procure interpretation services, (usually used for interviews with law enforcement officials), WCC staff have confirmed that these interpreters are not trained in victim counseling.

There are reports of interpreters using the same interrogative interviewing techniques with victims that they use with criminals, adding to the victims' psychological trauma.

1B. Victims must be encouraged to assist in investigations and prosecutions.

"Japan's Action Plan of Measures to Combat Trafficking in Persons" does not mention encouraging TIP victims to assist in investigations and prosecutions. If government officials do not place a high priority on obtaining assistance from victims, police and WCC personnel will be less likely to encourage victims to assist. Staff working at WCCs acknowledged that they discourage victims from participating in investigations because the longer length of stay necessary when victims participate drains WCCs' limited resources. WCC staff reported that they told a victim that they could not contact a lawyer on the victim's behalf because they didn't have any instructions from the government.

The "Manual for Assisting Trafficking Victims in Women's Consulting Centers" directs WCCs to "coordinate with police and other agencies" but does not give any clear procedures for assisting victims in filing criminal or civil complaints against their alleged traffickers. The guidelines only apply "if a victim wants to prosecute," but does not give any instructions for encouraging victims to do so.

An emotionally safe environment is a prerequisite for encouraging victims to participate in investigations and

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prosecutions. Without access to native-language counseling, victims do not feel emotionally safe, and often reportedly choose to repatriate before any court proceedings. In addition, there is no way for victims to stay in Japan long enough to participate in court cases if they do not want to stay in WCCs that are hostile to the expense of a long term stay. Although victims may qualify for "permission for special-stay" from the Immigration Bureau, this status does not allow for long-term residence, and victims do not have access to welfare and generally may not work. Without the possibility of being allowed to live and work freely in Japan, victims are limited to WCCs where they often do not feel emotionally safe, and therefore choose to quickly repatriate. According to WCC personnel, the average length of a victim's stay is approximately two weeks. Two weeks is not sufficient for victims of human trafficking to recuperate and make decisions about their futures or about participation in court cases.

1C. WCC personnel are not trained in the specific treatment needs of TIP victims.

Victims of human trafficking require different services and care than victims of domestic abuse. Counseling must be tailored to the unique trauma that trafficking victims experience, and counselors must have language skills and cultural sensitivity. Although the government organizes annual conferences for the WCCs and has distributed the "Manual for Assisting Trafficking Victims in Women's Consulting Centers" to all the WCCs, these measures are not an adequate substitute for formal training. WCC personnel openly say that they do not have adequate training, human resources, budget, or guidance from the government to effectively treat victims of human trafficking. By not ensuring that WCC staff members are trained to facilitate the specific needs of human trafficking victims, the government cannot adequately protect the victims, which is required by Minimum Standard 4, Criteria 2.

1D. The government is not adequately assessing the consequences of repatriation.

IOM has verified that at least one victim was re-trafficked to Japan following repatriation, indicating an inadequate assessment of the possible hardship or retribution that the victim would face upon repatriation. WCC personnel have confirmed that there is no program to determine whether victims may face hardship or retribution if they are returned to their country of origin prior to their referral to IOM. Although IOM includes relevant questions in their pre-repatriation survey, the questions are not an adequate substitute for a face-to-face interview by a trained counselor. In addition, because IOM's involvement in a case indicates by definition that the victim will be repatriated, the organization's assessment is not conducted within the context of providing alternatives to repatriation. There must be a systematic assessment of the conditions that victims will face upon repatriating prior to the commencement of preparations for repatriation in order to comply with Minimum Standard 4, Criteria 2.

End paper text.  
DONOVAN